

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle Harbor Springs, MI 49740  
November 2, 2008

Closed Session: none

Call to Order: Meeting was called to order at: 9:31a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland

Absent: Councilor Shirley Oldman

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Executive Assistant Rebecca Atkinson

Guests: Fred Kiogima, Emily Proctor, Alan Proctor, Marty Van De Car, Nancy Kiogima, Andrew Stich

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Motion made by Secretary Gasco Bentley and supported by Councilor McNamara to adopt the agenda as presented for November 2, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve the minutes as corrected for October 19, 2008.

Vote: 7 - Yes, 1 – No (Councilor Kiogima), 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Tribal Elders Comments: No comments at this time.

Motion made by Secretary Kiogima and supported by Councilor Yellowbank to accept the Legislative Leader Law's verbal and written report for November 2, 2008 including travel report to National Congress of American Indians.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Secretary Gasco Bentley to accept Treasurer Chingwa's Treasurer/Appropriations and Finance Committee verbal report for November 2, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Mulholland to accept the Land and Reservation Committee Chairperson Kiogima's verbal report for November 2, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to accept Councilor Harrington, Jr.'s verbal Tribal Council member report regarding Bay Mills Board of Regents meeting for November 2, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Councilor Kiogima to accept Councilor Yellowbank's verbal report regarding the Language Department draft Statute.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Councilor Mulholland to accept Legislative Services Attorney Donna Budnick's verbal report for November 2, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

10:22 a.m. Recess called.

10:29 a.m. Meeting reconvened.

Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to approve the Odawa Casino Resort 2009 Liquor License:

**TRIBAL MOTION # 110208-2008-01**

**WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the LTBB Liquor Control Statute, WOS 1999008 [WOTC 9.201-9.210] has been enacted to regulate the sale of liquor within the Indian Country of the Tribe as defined in the Statute;

**WHEREAS** the Odawa Casino Resort is located within the Indian Country of the Tribe as defined in the Liquor Control Statute;

**WHEREAS** the Liquor Control Statute designates the Tribal Council as the body that issues liquor licenses, which must be renewed annually;

**WHEREAS** the Gaming Board of Directors has submitted a written request for issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at Odawa Casino Resort;

**THEREFORE BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves the issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at Odawa Casino Resort, which is located on land held in trust for the Tribe by the United States at 1760 Lears Road, Petoskey, MI 49770, for calendar year 2009. Tribal Chairman Frank Ettawageshik is authorized to sign the license.

Vote: 7 - Yes, 1 – No (Councilor Yellowbank), 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to approve the Odawa Hotel 2009 Liquor License:

**TRIBAL MOTION # 110208-2008-02**

**WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the LTBB Liquor Control Statute, WOS 1999008 [WOTC 9.201-9.210] has been enacted to regulate the sale of liquor within the Indian Country of the Tribe as defined in the Statute;

**WHEREAS** the Odawa Hotel is located within the Indian Country of the Tribe as defined in the Liquor Control Statute;

**WHEREAS** the Liquor Control Statute designates the Tribal Council as the body that issues liquor licenses, which must be renewed annually;

**WHEREAS** the Gaming Board of Directors has submitted a written request for issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at the Odawa Hotel;

**THEREFORE BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves the issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at the Odawa Hotel, which is located on land held in trust for the Tribe by the United States at 1444 US 131 S, Petoskey, MI 49770, for calendar year 2009. Tribal Chairman Frank Ettawageshik is authorized to sign the license.

Vote: 7 - Yes, 1 – No (Councilor Yellowbank), 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to approve 2009 Liquor License for Biindigen:

**TRIBAL MOTION # 110208-2008-03**

**WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the LTBB Liquor Control Statute, WOS 1999008, (Statute) has been enacted to regulate the sale of liquor within the LTBB Reservation, and the Statute appears within the compiled Tribal Code at paragraphs 9.201 thru 9.210;

**WHEREAS** Biindigen, operates under licenses issued under the provisions of the Statute;

**WHEREAS** section 9.207 of the compiled Tribal Code requires an annual renewal of a license issued under the provisions of the Statute and requires an approval from Tribal Council.

**THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby approves a liquor license for Biindigen to be effective from 1-1-2009 through 12-31-2009.

Vote: 7 - Yes, 1 – No (Councilor Yellowbank), 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Harrington, Jr., to Request for Funding from the U.S. Department of Health and Human Services

Indian Health Service Little Traverse Bay Bands of Odawa Indians FY 2009 IHS Oral Health Promotion / Disease Prevention Grant:

**TRIBAL COUNCIL MOTION # 110208-2008-04**

**WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is listed as a federally recognized Indian Tribe in Volume 70, Number 226 of the Federal Register (p.71195);

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

**WHEREAS** the Tribe places a high priority on the health and welfare of all Tribal members;

**WHEREAS** the Tribal Government operates a health clinic that provides dental services for Tribal members;

**WHEREAS** research has shown that primary prevention activities that prevent disease before it occurs have a greater impact;

**WHEREAS** the Tribe desires to increase the number of patients who receive preventive oral care and education;

**WHEREAS** the IHS Oral Health Promotion / Disease Prevention program announces the availability of FY 2009 funding for prevention activities to address oral health objectives.

**THEREFORE BE IT RESOLVED** that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and supports this request for funding from the Indian Health Service FY 2009 Oral Health Promotion / Disease Prevention Grant Program.

**BE IT FURTHER RESOLVED** that Tribal Chairman Frank Ettawageshik, Vice-Chairman William I. Denemy, Tribal Administrator Albert Colby Jr., or another designee from the Tribal Chairman is authorized to execute any documents necessary to apply for, receive, and administer funds under the grant.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List A - Eligible for Citizenship dated October 22, 2008 for a total of 17.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to approve Enrollment List B - Declination In-Eligible dated October 22, 2008 for a total of 10.

Vote: 7 - Yes, 1 - No (Councilor Harrington, Jr.), 0 - Abstained, 1 - Absent (Councilor Oldman).

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to approve Enrollment list C - Voluntary Relinquishment dated October 22, 2008 for a total of 1.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to accept the Executive's verbal and written report with confidential items contained therein.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

The Health Clinic Policies were reviewed and sent back to the Executive.

Motion made by Treasurer Chingwa and supported by Councilor Kiogima to appoint Katie Bauer to the Education Commission to fill the remainder of a four year term ending in September 2010.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to appoint Patrick Wemigwase to the Housing Commission to fill the remainder of a four year term ending in September 2010.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Secretary Gasco Bentley to appoint Emily Proctor to the Natural Resource Commission to fill the remainder of a four year term ending in September 2009.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Mulholland to appoint Fred Kiogima to the Gaming Board of Directors subject to a successful completion of background investigation by the Gaming Regulatory Commission.

Vote: 7 - Yes, 0 – No, 1 – Abstained (Councilor Kiogima), 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to disclose closed session minutes with redacted portions for the following:

January 8, 1995

February 5, 1995 with redacted portion for land

February 19, 1995

March 12, 1995

March 26, 1995

April 9, 1995-1 with redacted portion for personnel matters

April 9, 1995-2

June 6, 1997 with redacted portion for land

June 22, 1997 with redacted portion for land and personnel

July 13, 1997

November 13, 1997

January 25, 1998 with redacted portion for personnel

February 8, 1998 with redacted portion for personnel

May 3, 1998

October 11, 1998

October 25, 1998

December 30, 1998

January 10, 1999

Closed session Item for 1999 (No date available)

February 21, 1999 with redacted portion for personnel

March 7, 1999 with redacted portion for land and personnel

April 18, 1999

May 2, 1999

May 8, 1999-1 with redacted portion for land

May 8, 1999-2

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

11:45 Public Comment opened: Andrew Stich requested information on what Tribal Council learned with regard to the reduction plan in answer to questions from the October 18, 2008 work session. Michele LaCount spoke regarding Education Commission appeal process and quarterly report. Fred Kiogima spoke thanking Tribal Council for their vote of confidence in appointing him to the Gaming Board of Directors. Fred also spoke regarding Indian Town activity and Tribal Council attendance at ghost suppers.

11:58 a.m. Public comment closed.

11:58 Lunch recess.

1:33 p.m. Meeting reconvened. Councilor Shirley Oldman arrived.

2:17 p.m. Recess.

2:30 p.m. Meeting reconvened.

Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to pass Waganakising Odawak Statute Constitutionally Mandated Compensation. Roll Call Vote: Councilor Harrington, Jr.,-yes, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Oldman-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes  
Motion carried.

The Stipend and Compensation Policy was worked on and will be brought back to Tribal Council with changes.

3:29 p.m. Public comment opened: no comments.

3:29 p.m. Public Comment closed.

4:02 p.m. Recess called.

4:17 p.m. Meeting reconvened.

The Land Use, Building Regulation, and Zoning Statute, the Indian Preference in Tribal Employment Statute, the Commissions, Boards and Committees Policy, the Child Protection Statute, the Child Welfare Commission Statute, the Tribal Treasurer Reporting Responsibilities to the Tribal Citizens Statute and the Receiving Grants, Donations and Other Funding Policy will be brought back to Tribal Council on the next agenda.

5:15 p.m. Motion made by Councilor Mulholland and supported by Councilor Harrington to adjourn.

Vote: 9 - Yes, 0 – No, 0 - Abstained, 0 – Absent

Motion carried.

These Minutes have been read and approved as corrected.

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Regina Gasco Bentley, Tribal Council Secretary

Date